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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TERESITA BARBAZA,) Case No. CV 08-07358 DDP (JTLx)
Plaintiff,) **ORDER DISMISSING ACTION WITHOUT**
v.) **PREJUDICE**
INDYMAC FEDERAL BANK, FSB,) [Motion filed on May 1, 2009]
COUNTRYWIDE BANK, N.A.,)
Defendants.)

This matter comes before the Court on a Motion to Dismiss filed by Defendant Federal Deposit Insurance Corporation ("FDIC"). Because Plaintiff has neither filed an Opposition nor a Notice of non-Opposition to this Motion, the Court dismisses the Complaint without prejudice.

Plaintiff Teresita Barbaza, appearing pro se, filed her Complaint on November 6, 2008. Her Complaint purports to allege causes of action based on (1) breach of contract, (2) fraud and racketeering in violation of RICO, and (3) intentional infliction of severe mental and emotional distress related to loan documents. Essentially, her Complaint appears to allege that her loans were not based on actual legal tender. Upon an Ex Parte

1 Application from Defendant, the Court stayed the case pending
2 exhaustion of administrative claims and substituted FDIC as
3 receiver for named Defendant IndyMac. See Docket Entry No. 8
4 (February 18, 2009). On Defendant's request, the stay was lifted
5 on April 23, 2009. Docket Entry No. 11 (April 23, 2009).

6 Thereafter, Defendant filed a Motion to Dismiss Complaint or, in
7 the Alternative, for More Definite Statement. As of the date of
8 this Order, Plaintiff has not filed an opposition to the Motion.

9 Central District of California Local Rule 7-9 requires an
10 opposing party to file an opposition or a statement of non-
11 opposition to any motion at least fourteen (14) days prior to the
12 date designated for the hearing of the motion. See C.D. Cal. L.R.
13 7-9. Additionally, Local Rule 7-12 provides that "[t]he failure to
14 file any required paper, or the failure to file it within the
15 deadline, may be deemed consent to the granting or denial of the
16 motion." C.D. Cal. L.R. 7-12.

17 The hearing date on these Motions was June 1, 2009.
18 Plaintiff's Opposition or Statement of Non-Opposition was therefore
19 due on May 18, 2009. Plaintiff had not filed either such a
20 statement by that date. As of the date of this Order, Plaintiff
21 has still not filed an Opposition to Defendants' Motions. As far
22 as the Court can tell, Plaintiff has also not filed an amended
23 complaint that would make moot the Motions to Dismiss, and has not
24 filed any requests or other papers that could be construed as a
25 request for an extension of time to file or a request to move the
26 hearing date. Because Plaintiff has not opposed this Motion, the
27 Court dismisses Plaintiff's Complaint without prejudice. Plaintiff

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1 shall file an amended complaint within 20 days of the date of this
2 Order.

3 IT IS SO ORDERED.

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6 Dated: June 1, 2009

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DEAN D. PREGERSON
United States District Judge